

### **REMARKS**

Claims 1-3, 5-34, 37-68, 71-73, 76-130, 132, 134, 136 and 138-149 remain pending in connection with the present application, claims 139-149 being newly added.

### **INFORMATION DISCLOSURE STATEMENT**

Applicants respectfully request the Examiner's consideration of the documents cited in the Information Disclosure of April 23, 2010. Applicants respectfully request the Examiner to confirm consideration of each of the documents cited in the Information Disclosure Statement of April 23, 2010 by initialing and returning the PTO-1449 form submitted therewith.

### **INTERVIEWS**

Initially, Applicants wish to thank Examiner Ma for the telephone interviews conducted on May 11, 2010 and June 30, 2010. The contents of the interviews are summarized as follows.

#### **Interview of May 11, 2010**

Initially, Applicants representative explained that in a previous Amendment of June 17, 2009, regarding representative claim 1 for example, the claim was amended to clarify distinctions over the Tsuji '258 Patent. Specifically, Applicants' representative noted that the claims were amended to clarify that in the color display device of claim 1, a **calculation was carried out based on a relationship for each of a plurality of color components** excluding a component with a relatively smallest gradation level, noting that the gradation level of the color component with the **relatively smallest gradation level remains unchanged before and after calculation**. Applicants' representative noted that, in view of this Amendment, the Examiner had withdrawn his rejection under 35 U.S.C. §102 over the Tsuji '258 Patent, and had subsequently withdrawn a rejection of an alleged combination of the teachings of Otohe '390 Patent and the Tsuji '258 Patent.

Applicant's representative then noted that, in an effort to make up for the acknowledged deficiency of Tsuji '258 Patent, the Examiner now relies upon a new

Wojaczynski et al. reference, the Wojaczynski '375 patent. As the Tsuji '258 Patent discusses a printing device which excludes color information intrinsic to a particular brand of film from inputted image data, and as the device in the Wojaczynski '375 patent is directed to adapting displays to different types of monitors, such as adapting a CRT display to that of a plasma monitor for example, Applicant's representative noted that it would not be obvious to combine the teachings of the two references.

Further, Applicant's representative indicated that the Wojaczynski '375 patent merely teaches a device that allows selection of individual colors at the display control 210, by manually adjusting one color in a display device. The device in the Wojaczynski '375 patent is directed to adapting displays to different types of monitors, such as adapting a CRT display to that of a plasma monitor for example, and thus has nothing to do with a color printing device as taught by the Tsuji '258 Patent. Still further, Applicant's representative argued that even assuming arguendo that the references could be combined, that the Wojaczynski '375 patent still failed to teach or suggest any type of **calculation that was carried out based on a relationship for each of a plurality of color components** excluding a component with a relatively smallest gradation level, noting that the gradation level of the color component with the **relatively smallest gradation level remains unchanged before and after calculation**. Applicant's representative explained that at best in the Wojaczynski '375 patent, single colors are individually selected and there is no calculation, let alone one where a component with a relatively smallest gradation level is excluded and remains unchanged before and after calculation as claimed. The Examiner disagreed, acknowledging that the user manipulation can take place, but also so that the user manipulation is essentially something that can be done to adjust a default type of color adjustment (excluding a color set to zero for example).

The Examiner took the position that since both the Wojaczynski '375 and Tsuji et al. '258 patents are directed to some type of device using color information, then their teachings could be combined to reject that the claims of the present application because the claims were not limited to a specific color display device which excluded the printing device of the Tsuji '258 Patent. The Examiner

suggested that the claims be amended to further remove them from the teachings of the Tsuji '258 Patent. At that time, the interview was concluded.

**Interview of June 30, 2010**

In this second telephone interview, Applicant's representative explained to the Examiner that based upon the previous interview with the Examiner of May 11, 2010, Applicants were now prepared to amend the claims to further distinguish from the alleged reference combination. Applicant's representative indicated that such amendments would further emphasize that it would not be obvious to one of ordinary skill in the art to combine the teachings of the Tsuji '258 patent with the teachings of the Wojaczynski '375 patent.

Applicant's representative explained that claim 1 of the present application would be amended (as is now present herein) to define a color display device which includes both a color processor and a color display panel to display the processed color image signal, to further differentiate from the photo printing apparatus of the Tsuji '258 patent. The Examiner agreed and further indicated that he would be issuing an Examiner's Interview Summary Report indicating his agreement that such claims would remove the Tsuji '258 patent and would further emphasize that it would not be obvious to one of ordinary skill in the art to combine the teachings of the Tsuji '258 patent with the teachings of the Wojaczynski '375 patent. Applicant's representative indicated that Applicants would make somewhat similar amendments to the other independent claims. At that time, the interview was concluded.

**PRIOR ART REJECTIONS**

The Examiner rejected claims 1-3, 33-38, 63-67, 69-72, and 74-76 under 35 U.S.C. §103 as being unpatentable over the Tsuji '258 Patent in view of the Wojaczynski '375 patent. This rejection is respectfully traversed.

For the reasons previously set forth above, the alleged combination of prior art references is not proper and further, even assuming arguendo that the references could be combined, the alleged combination still fails to teach or suggest the limitations of claim 1 as previously indicated above.

With regard to claim 2, this claim is now amended to incorporate the allowable subject matter of claim 4 and is thus now in condition for allowance. Claim 4 is cancelled by the present Amendment.

With regard to the remaining independent claims, these claims are allowable over the prior art of record for at least reasons somewhat similar to those previously set forth regarding independent claim 1, noting that each claim should be interpreted solely based upon the limitations present therein. Accordingly, withdrawal of the Examiner's rejection is respectfully requested.

The Examiner further rejected claims 68 and 73 under 35 U.S.C. § 103 as being unpatentable over the Tsuji '258 Patent in view of the Wojaczynski '375 patent and further in view of Yamashita, U.S. Patent Number 6,101,271 (the Yamashita '271 Patent). This rejection is respectfully traversed.

Applicants respectfully submit that even assuming *arguendo* that the Yamashita '271 Patent could be combined with one or both of the Tsuji '258 and the Wojaczynski '375 patents, which is not admitted, the teachings of the Yamashita '271 Patent fail to make up for at least the previously mentioned deficiencies of the independent claims upon which claims 68 and 73 depend. Accordingly, withdrawal of the rejection is respectfully requested.

The Examiner further rejected claims 131 to 138 under 35 U.S.C. § 103 as being unpatentable over the Tsuji '258 and the Wojaczynski '375 patents, and further in view of Smith, U.S. Patent Publication Number 2004/0105105 (the Smith '105 Publication). This rejection is respectfully traversed.

Applicants respectfully submit that even assuming *arguendo* that the Smith '105 Publication could be combined with one or both of the Tsuji '258 and the Wojaczynski '375 patents, which is not admitted, the teachings of the Smith '105 Publication fail to make up for at least the previously mentioned deficiencies of the independent claims upon which claims 131 - 138 depend. Accordingly, withdrawal of the rejection is respectfully requested.

**REJOINDER OF REJECTED DEPENDENT CLAIMS REQUESTED**

Applicants respectfully submit that each of independent claims 1, 2, 33, 34, 37, 38, 63, 65, 66, and 72 is in condition for allowance. Accordingly, **Applicants respectfully request rejoinder of all claims dependent upon the allowable independent claims**, as each of these claims include all of the limitations of the independent claims; which essentially acts as a linking claim or allowable generic claim. Further, with regard to the withdrawn independent claims, these claims have been amended in a manner somewhat similar to that of claim 1 and thus rejoinder and allowance of these claims is respectfully requested.

**ALLOWABLE SUBJECT MATTER**

Applicants thank the Examiner for the indication that claims 4, 15, 16, 21-24, 31-32, and 60-62 would be allowable if rewritten in independent form including all the limitations of the previous unamended version of the respective base claim and any intervening claims. As indicated above, claim 2 is hereby amended to include the allowable subject matter of claim 4 and claim 4 is now cancelled.

**NEW CLAIMS**

Applicants add, by the present Amendment, new claims 139-149, of which claim 139 is independent and is allowable over the prior art of record for reasons somewhat similar to that of claim 1. With regard to the various dependent claims, these claims are allowable for at least the reasons set forth in their respective dependent claims.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims in connection with the present application is earnestly solicited.

**EXTENSION FEE**

Pursuant to 37 CFR §§ 1.17 and 1.136(a), Applicants petition for a one (1) month extension of time for filing a reply to the March 4, 2010 Office Action, and submit the required \$130.00 extension fee herewith.

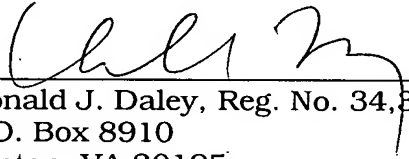
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully Submitted,

HARNESS, DICKEY & PIERCE, PLC

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